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Joseph S Tripoli		EXAMINER		
Thomson Multimedia Licensing Inc		SELLERS, DANIEL R		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/030,766	Applicant(s) CHEAH ET AL.	
	Examiner Daniel R. Sellers	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9, and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-7 and 9-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaganas, Tanaka et al. (USPN 6,446,177), and Truong (hereinafter Kaganas, Tanaka, and Truong, respectively).

3. Regarding **claim 1**, Kaganas teaches a handheld audio device comprising:

identifying a selected audio data file in response to a user input (Col. 2, lines 10-18, Col. 5, lines 4-14, and Fig. 1);

identifying a decoder file associated with the selected audio data file, the decoder file comprising a program to control the operations of a digital signal processor (DSP) (Col. 2, lines 35-62, Col. 5, line 65 - Col. 6, line 18, and Col. 6, lines 46-51);

transferring the selected audio data file and the associated decoder file to the DSP, wherein the audio data file and the associated decoder file are both stored in a single removable data storage device coupled to the handheld audio playback device (Col. 6, lines 11-33);

determining a unique identification associated with the removable data storage device coupled to the handheld audio playback device (Col. 4, lines 55-60);

decoding the selected audio data file in accordance to the decoder file in the DSP (Col. 6, lines 18-30); and

providing the decoded audio data file to an output device (Col. 5, lines 31-36).

Kaganas teaches a unique identification associated with a single removable data storage device. They teach decoder files, or programs, associated with different music (Col. 6, lines 11-18, and lines 46-51). However, they do not teach the step of decrypting the audio data file using a unique identification associated with the storage device, nor do they teach decrypting the associated program using a first key.

Tanaka teaches a memory system for protecting the copyright of literary works (abstract, Col. 12, lines 48-55 and Fig. 10A-13). The literary works are protected on the flash card with encryption based on a unique identification associated with the storage device (Col. 15, lines 50-67 and Fig. 9A). The unique identification is not usually modifiable by the end user (Col. 7, lines 35-44, Col. 14, lines 2-10, and Fig. 7), and it is used to limit the use of the literary works associated with one memory card (Col. 8, lines 9-51 and Fig. 8). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Kaganas and Tanaka for the purpose of protecting copyrights. However, the combination of Kaganas and Tanaka does not contemplate the encryption method of the associated codec's, decoder files, or programs, which are found on a memory card in the system taught by Kaganas.

Truong teaches a system for controlling access to information (Col. 1, lines 59-63). The teachings include securing a recording medium (Kaganas teaches a memory card, or MMC card) using a unique identification (Col. 3, lines 22-32), which is used to

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encrypt the audio (Tanaka, Col. 15, lines 50-67). The recording medium contains data (Kaganas teaches an audio data file) and/or applications (Kaganas teaches programs, or decoder files), and decoding algorithms in encrypted form (Truong, Col. 3, lines 10-16 and line 26). Truong teaches that the security table, which includes various decoding algorithms, is used to create the encoded information (Col. 3, line 26 and lines 34-36). The decoding utilizes the unique identification specific to the recording medium to decode the data (Col. 4, lines 24-58). The unique encrypted signature is based on information on the recorded medium (Col. 4, lines 44-45) and the keys associated with decrypting the associated data and programs are also based on values found in a security table (Col. 3, lines 25-26 and lines 34-36). This reads on "decrypting the audio data file using the unique identification and decrypting the associated decoder file using a first key", wherein the unique identification, as taught by Tanaka, is a CIS value, or the like, taken from the recording medium to create an encrypted signature (Tanaka, Col. 15, lines 50-67) and the first key is stored in the security table (implied that the various keys are used to encode/decode the various data and/or applications; Col. 3, lines 13-16 and Col. 4, lines 6-10). It would have been obvious for one of ordinary skill in the art to combine the teachings of Kaganas, Tanaka, and Truong for the purpose of copy protection (Col. 1, lines 9-12). One of ordinary skill in the art at the time of the invention can appreciate that the protection of decoding programs and audio data files is more secure when different keys are used to protect the programs and files individually.

4. Regarding **claim 2**, the further limitation of claim 1, see Kaganas

... further comprising the step of reading a configuration file that associates each one of a plurality of audio data files with a particular one of a plurality of decoder files, and the identifying the decoder file step comprises identifying the decoder file using the configuration file.

Kaganas teaches the use of a plurality of codecs, and it is inherent that a codec is associated with a file format. Kaganas also teaches the use of an operating system for a plurality of uses, wherein they teach the use of Windows 95® when discussing e-mail and other communication features (Col. 3, lines 28-34). Popular operating systems maintain a list of programs associated with file types, such as ASCII text files. It is inherent that an operating system used for playback on the system of Kaganas maintains a configuration file regarding the association of codecs and audio data files.

5. Regarding **claim 3**, the further limitation of claim 2, see Kaganas

... wherein the removable data storage device is a solid state data storage device. (Col. 7, lines 44-52)

Kaganas teaches the use of solid state removable media.

6. Regarding **claim 4**, see the preceding argument with respect to claim 1.

Kaganas teaches a user input means (Fig. 1, unit 44), data input means (Fig. 1, unit 37), a digital signal processor (Fig. 1, unit 31), and a micro-controller with these features (Fig. 1, unit 32 and Col. 2, lines 10-13). The combination of Kaganas, Tanaka, and Truong teach the amended features.

7. Regarding **claim 5**, the further limitation of claim 4, see the preceding argument with respect to claim 3. Kaganas teaches the use of a solid-state data storage device that is removable.

8. Regarding **claim 6**, see the preceding argument with respect to claims 4 and 5. The combination of Kaganas, Tanaka, and Truong teaches a portable audio playback system with these features.

9. Regarding **claim 7**, the further limitation of claim 6, see the preceding argument with respect to claim 5. Kaganas teaches a removable solid-state storage device.

10. Regarding **claim 9**, see the preceding argument with respect to claim 2. Kaganas inherently teaches the use of configuration files with codec-file associations.

11. Regarding **claim 10**, see the preceding argument with respect to claim 1. The combination of Kaganas, Tanaka, and Truong teach these features.

Response to Arguments

12. Applicant's arguments filed 7/2/07 have been fully considered but they are not persuasive. The examiner respectfully disagrees with the applicants remarks with respect to claim 1 and the Truong reference. Tanaka is used to illustrate that the encoded audio data on a removable data storage device is encrypted, wherein the primary reference Kaganas teaches unencrypted encoded audio and associated coder/decoders (codecs) on a removable data storage device. Truong is relied upon to illustrate a more complete and secure computing platform (column 3, lines 34-36), wherein the decoding algorithms (column 3, lines 25-26), or the codecs needed to decode the encoded audio, are also encrypted. Furthermore, Truong teaches keys for decoding (column 4, lines 8-10). Truong is not relied upon to show the features that have already been shown in the primary and secondary references, but shown to augment those teachings, wherein encryption of the codecs would provide better protection to the intellectually property defined by the audio and the codecs. Therefore

the combination of Kaganas, Tanaka, and Truong, as shown above with respect to 35 USC 103, teaches the features of claims 1-7 and 9-10.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SINH TRAN
SUPERVISORY PATENT EXAMINER

DRS